

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBIN STEPHENS,

Plaintiff,

-against-

SUPER SHUTTLE, INC., SUPER  
SHUTTLE INTERNATIONAL, INC., NEW  
YORK CITY TRANSIT AUTHORITY,  
MANHATTAN AND BRONX SURFACE  
TRANSIT OPERATING AUTHORITY and  
“JOHN DOE,” NYCT BUS DRIVER

NOTICE OF MOTION

CV-07-5614 (MARRERO, J.)

Defendants.

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To: Aaron David Frishberg, Esq.  
116 West 111th Street  
New York, NY 10026  
*Attorney for Plaintiff*

**PLEASE TAKE NOTICE** that, based on the Amended Complaint, the attached declaration of Ann Burton Goetcheus (with its exhibits), and the prior proceedings herein, the Defendants New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority (“the Transit Defendants”) will move this Court (Marrero, J.) at a time to be selected by the Court, for an order under Federal Rules of Civil Procedure 12(b)(6) and/or 21, dismissing in whole or in part the Seventh through Twelfth Causes of Action and/or severing those claims from the First through Sixth Causes of Action alleged against the SuperShuttle Defendants. The grounds for this motion, which are set out in detail in the accompanying memorandum of law, are that Plaintiff has failed to state claims upon which relief can be granted in her Seventh

through Twelfth Causes of Action and that the Causes of Action alleged against the SuperShuttle Defendants are wholly unrelated to those against the TA Defendants.

**PLEASE TAKE FURTHER NOTICE** that any papers in opposition to this motion shall be served within 20 days.

Dated: August 13, 2007

Yours, etc.

  
Ann Burton Goetcheus (AG 7265)  
Office of the General Counsel  
New York City Transit Authority  
130 Livingston Street (12<sup>th</sup> Floor)  
Brooklyn, NY 11201  
Tel. [718] 694-3889  
*Attorneys for the Transit Defendants*

cc: Thomas Patton (TP-6189)  
Tighe Patton Armstrong & Teasdale  
*Attorneys for SuperShuttle Defendants*  
1747 Pennsylvania Avenue, N.W.  
Suite 300  
Washington, D.C. 20006  
(202) 454-2840

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ROBIN STEPHENS,

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Plaintiff,

-against-

SDNY # 07 CV 5614

SUPER SHUTTLE, INC., SUPER SHUTTLE  
INTERNATIONAL, INC., NEW YORK CITY  
TRANSIT AUTHORITY, MANHATTAN AND  
BRONX SURFACE TRANSIT OPERATING  
AUTHORITY and "JOHN DOE," NYCT BUS  
DRIVER,

(Index No.: 07/104791)

AFFIDAVIT OF SERVICE  
BY MAIL

Defendant.

x

STATE OF NEW YORK      )  
                                )  
                                ) ss.:  
COUNTY OF KINGS)

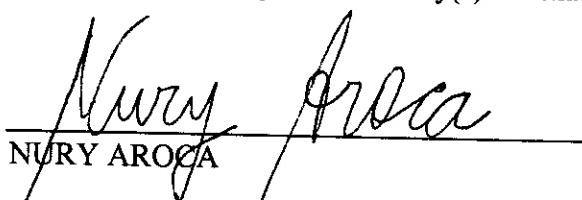
NURY AROCA being duly sworn deposes and says:

I am an employee of the New York City Transit Authority, in the office of Martin B. Schnabel, Attorney for defendant. I am over the age of 18 years and am not a party to this action. On the 13<sup>th</sup> day of August 2007, I served the annexed Notice of Motion and Declaration of Ann Burton Goetcheus in Support of Transit Defendants' Motion to Dismiss and/or Sever, upon:

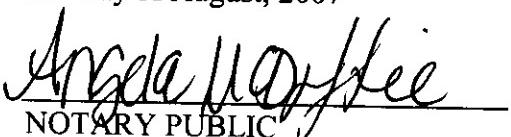
Joseph Cosby, Senior Counsel  
Tighe Patton Armstrong & Teasdale  
1747 Pennsylvania Avenue, N.W. Suite 300  
Washington, D.C. 20006

Aaron David Frishberg  
116 W. 111<sup>th</sup> Street  
New York, N.Y. 10026

by delivering a true copy of the same securely enclosed in a post-paid wrapper in a Post Office Box regularly maintained by the United States Government at 130 Livingston Street, Brooklyn, New York 11201, properly addressed to said attorney(s) at said address within the state with a copy sent by facsimile. This address had been previously designated by said attorney(s) for that purpose, upon the preceding papers in this action.

  
NURY AROCA

Sworn to before me this  
13<sup>th</sup> day of August, 2007

  
NOTARY PUBLIC

ANGELA C. McDUFFIE  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 01MC6081724  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES OCT 8 2010